

Judgment in a Criminal Case with Probation (04/08)
Sheet 1

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

13 SEP 25 AM 9:49

UNITED STATES OF AMERICA

v.

JUAN RODRIGUEZ, JR. (1)

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 12CR4403-BEN

DANIEL F. GREENE

Defendant's Attorney

REGISTRATION NO. 35143298

☐

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 OF THE INFORMATION.☐

was found guilty on count(s)

after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
18 USC 922(a)(1)(A)	DEALING FIREARMS WITHOUT A LICENSE	1

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)☐ Count(s) _____is ☐ are ☐ dismissed on the motion of the United States.☒ Assessment: \$100.00 forthwith or at the rate of not less than \$25.00 per month commencing within 60 days from 9/23/2013.☐ Fine waived☒ Property forfeited pursuant to order filed APRIL 9, 2013, included herein.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

SEPTEMBER 23, 2013

Date of Imposition of Sentence

HON. ROGER T. BENITEZ

UNITED STATES DISTRICT JUDGE

12CR4403-BEN

DEFENDANT: JUAN RODRIGUEZ, JR. (1)
CASE NUMBER: **12CR4403-BEN**

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of Twenty-seven (27) consecutive weekends of custodial time from 4:00PM Friday through 7:00AM Monday.

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____
as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☒ before 4:00PM ON OCTOBER 4, 2013.
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: JUAN RODRIGUEZ, JR. (1)

CASE NUMBER: 12CR4403-BEN

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PROBATION

The defendant is hereby sentenced to probation for a term of : FIVE (5) YEARS.

The defendant shall not commit another federal, state, or local crime.

For offenses committed on or after September 13, 1994:

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 4 drug tests per month during the term of supervision, unless otherwise ordered by court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer pursuant to 18 USC 3583(d).
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the special conditions imposed.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: JUAN RODRIGUEZ, JR. (1)
CASE NUMBER: 12CR4403-BEN**SPECIAL CONDITIONS OF SUPERVISION**

- ☒ Submit person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
- ☐ If deported, excluded, or allowed to voluntarily return to country of origin, not reenter the United States illegally and report to the probation officer with 24 hours of any reentry to the United States; supervision waived upon deportation, exclusion or voluntary departure.
- ☐ Not possess any ammunition.
- ☐ Not associate with undocumented aliens or alien smugglers.
- ☐ Not reenter the United States illegally.
- ☐ Not enter the Republic of Mexico without written permission of the Court or probation officer.
- ☐ Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- ☐ Not possess any narcotic drug or controlled substance without a lawful medical prescription.
- ☐ Not associate with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
- ☐ Participate in a program of mental health treatment as directed by the probation officer, take all medications as prescribed by a psychiatrist/physician, and not discontinue any medication without permission. The Court authorizes the release of the presentence report and available psychological evaluations to the mental health provider, as approved by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- ☐ Take no medication containing a controlled substance without valid medical prescription, and provide proof of prescription to the probation officer, if directed.
- ☐ Participate in a mental health treatment program as directed by the probation office.
- ☐ Provide complete disclosure of personal and business financial records to the probation officer as requested.
- ☐ Be prohibited from opening checking accounts or incurring new credit charges or opening additional lines of credit without approval of the probation officer.
- ☐ Seek and maintain full time employment and/or schooling or a combination of both.
- ☐ Resolve all outstanding warrants within _____ days.
- ☐ Complete _____ hours of community service in a program approved by the probation officer within _____
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of _____
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the Bureau of Prisons for a period of _____ commencing upon release from imprisonment.
- ☐ Remain in your place of residence for a period of _____, except while working at verifiable employment, attending religious services or undergoing medical treatment.
- ☐ Not engage in any form of telemarketing, as defined in 18 USC 2325, without the written permission of the probation officer.
- ☒ Comply with the conditions of the Home Confinement Program for a period of SIX (6) MONTHS and remain at your residence except for activities or employment as approved by the court or probation officer.
- ☐ Participate in a program of drug or alcohol abuse treatment, including urinalysis testing and counseling, as directed by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.

AO 245S Judgment in Criminal Case
Sheet 5 — Criminal Monetary Penalties

Judgment — Page 5 of 8

DEFENDANT: JUAN RODRIGUEZ, JR. (1)
CASE NUMBER: 12CR4403-BEN

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FINE

The defendant shall pay a fine in the amount of \$1,000.00 unto the United States of America.

This sum shall be paid immediately.
 x as follows:


Forthwith or at the rate of not less than \$25.00 per month commencing within 60 days from 9/23/2013.

The Court has determined that the defendant does have the ability to pay interest. It is ordered that:

 x The interest requirement is waived.

 The interest is modified as follows:

2013 APR -9 AM 9:43

BY 

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN RODRIGUEZ, JR.,

Defendant.

Case No. 12cr4403-BEN

ORDER OF CRIMINAL
FORFEITURE

WHEREAS, in the Information in the above-captioned case, the United States sought forfeiture of all right, title and interest in specific properties, including but not limited to:

1. Approximately 5172 rounds of ammunition;
2. An Armi Technique (Armsport), Mod 2743, 20 gauge shotgun, Serial No. 47563;
3. A Ruger, 20 gauge shotgun, Serial Number 401-05463;
4. A Browning Arms, Mod. Recoilless Trap, 12 gauge shotgun, Serial No. 08141NW869;
5. A Winchester, Mod. 100, .308 caliber rifle, Serial No. 192231;
6. A Ruger, Mod. 10/22, .22lr caliber rifle, Serial No. 350-58714;
7. A Smith & Wesson, Airweight Mod. 38-3, .38 cal revolver, Serial No. CCF3493;
8. A Smith & Wesson, Pro Series Mod. 627-5, .357 magnum revolver, Serial No. CSU1126;
9. A Winchester, Mod. 94, .30-30 caliber rifle, Serial No. 4235180; and
10. A Colt, MKIV, Govt Model, .45 cal pistol, Serial No. DE26642;

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 2 of the above-named defendant pursuant to Title 18, United States Code,
 3 Section 924(d)(1), as properties involved in or traceable to the violation of Title 18,
 4 United States Code, Section 922(a)(1)(A), as charged in the Information; and

5 WHEREAS, on or about December 7, 2012, the above-named defendant,
 6 JUAN RODRIGUEZ, JR. ("Defendant"), pled guilty to the Information before
 7 Magistrate Judge David H. Bartick, which plea provided for the criminal forfeiture
 8 of the firearms and ammunition, and included consent to the criminal forfeiture
 9 allegations pursuant to Title 18 as set forth in the Information; and

10 WHEREAS, on or about December 21, 2012, the plea of the Defendant was
 11 accepted by the United States District Court; and

12 WHEREAS, the plea agreement provided for the criminal forfeiture of the
 13 firearms; and

14 WHEREAS, by virtue of the facts set forth in the plea agreement, the United
 15 States has established the requisite nexus between the forfeited properties and the
 16 offense; and

17 WHEREAS, on or about March 20, 2013, the firearms to which Defendant
 18 pled were administratively forfeited in the Southern District of California by the
 19 Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF");

20 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

21 1. Based upon the guilty plea of the Defendant, all right, title and interest
 22 of Defendant JUAN RODRIGUEZ, JR. in specific properties, including but not
 23 limited to:

- 24 1. Approximately 5172 rounds of ammunition;
- 25 2. An Armi Technique (Armsport), Mod 2743, 20 gauge
shotgun, Serial No. 47563;
- 26 3. A Ruger, 20 gauge shotgun, Serial Number 401-05463;
- 27 4. A Browning Arms, Mod. Recoilless Trap, 12 gauge
shotgun, Serial No. 08141NW869;
- 28 5. A Winchester, Mod. 100, .308 caliber rifle, Serial No.
192231;
6. A Ruger, Mod. 10/22, .22lr caliber rifle, Serial No.
350-58714;

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7. A Smith & Wesson, Airweight Mod. 38-3, .38 cal revolver, Serial No. CCF3493;
8. A Smith & Wesson, Pro Series Mod. 627-5, .357 magnum revolver, Serial No. CSU1126;
9. A Winchester, Mod. 94, .30-30 caliber rifle, Serial No. 4235180; and
10. A Colt, MKIV, Govt Model, .45 cal pistol, Serial No. DE26642

are hereby forfeited to the United States.

2. As the aforementioned asset was previously forfeited administratively, no further action is needed as to the forfeiture aspect of this criminal case.

DATED:

4/07/2013


HONORABLE ROGER T. BENITEZ
United States District Court